

Patent Application
Attorney Docket No.: 26283-4

REMARKS

The following remarks are in response to the Office Action mailed on February 23, 2006. After entry of this amendment, claims 1, 2, 4, 5, 7-9, and 11-23 will remain pending in this application.

In the Office Action, claims 1, 2, 8, 9 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Berman et al., U.S. Patent No. 5,995,939 (hereinafter "Berman"). Claims 4, 5, 7, 11-15 and 17-23 were objected to as being dependent upon a rejected base claim. Response is hereby made to each of these rejections and objections.

Applicant thanks the Examiner for the indication of allowable subject matter in claims 4, 5, 7, 11-15 and 17-23. As a preliminary matter, it should be noted that claim 20 was objected to in the Office Action as depending from a rejected base claim. Claim 20 as previously presented, however, is an independent claim and as such does not depend from any other base claim. Applicant believes, therefore, that claim 20 is allowable as previously presented and respectfully requests that the Examiner's objection to claim 20 be withdrawn as unnecessary. Applicant also believes that claim 21, which depends from claim 20, is also allowable as previously presented and therefore requests that the Examiner's objection to claim 20 also be withdrawn as unnecessary.

With respect to the objections to claims 4, 5, 7, 11-15, 17-19, 22 and 23, Applicant has herein amended claims 4, 7, 11 and 17 to be rewritten in independent form. As amended, each of claims 4, 7, 11 and 17 now include the limitations of the base claim and any intervening claims from which these claims previously depended. In addition, claims 5, 12-15, 18, 19, 22

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and 23 as previously presented now depend from an allowable base claim. It is believed, therefore, that claims 4, 5, 7, 11-15, 17-19, 22 and 23 as presented after this amendment are all now allowable.

Independent claims 1 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Berman. In responding to Applicant's earlier arguments regarding claims 1 and 8, the Examining Attorney stated (see Office Action, page 2, paragraph 2):

"Applicant argues that Berman doesn't teach receiving private onsite wastewater treatment system service requests from third party private onsite wastewater treatment system owners. However, Berman teaches clients requesting service from a sponsor wherein the sponsor then assigns the request to another location to fulfill the request. In this sense, the client is in fact a third party since the client must go through the sponsor in order to get his or her service request assigned to the appropriate party."

As a starting point, Applicant acknowledges that Berman teaches an overall system having client computer systems 10 which request service from remotely located sponsor computer systems 12 and that with respect to the sponsor computer systems 12 standing alone, the service requests received from the remotely located client computer systems 10 could arguably be viewed as emanating from a third party. However, Applicant does not agree that

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Berman teaches that the sponsor computer systems 12 in turn assign the service requests to service providers located at other locations in order to fulfill the service requests. In fact, Berman actually teaches away from assigning service requests to another location to fulfill the requests. This is because Berman teaches that the sponsor computer systems 12 are located at the service provider sites (see column 2, lines 26-29 "a 'sponsor' (server) computer system is located at the site of a service provider, such as a testing lab, hospital, or insurance company"; see also column 4, lines 15-17 "a sponsor system 12 is located at the site of each of the service providers: at the testing lab, the insurance company, and the hospital"). Because of this, Berman teaches that there is no need to assign the service requests to service providers located at other locations and Berman provides no motivation to do so.

In addition to the above, Berman also does not teach or suggest a host computer system that both (1) receives third party service requests, and (2) receives third party service reports describing services performed in response to the service requests. The system of Berman includes client computer systems 10 and sponsor computer systems 12. The client computer systems 10 and sponsor computer systems 12 communicate with each other via a remote mail server 14 over a computer network 16. Berman teaches that the client computer systems 10 are located at the sites of the parties that are actually seeking service such as in the offices of doctors (see column 2, lines 25-26; column 4, lines 4-5). The sponsor computer systems 12, as previously discussed, are located remote from the client computer systems 10 at the sites of the parties who provide the requested services (see column 2, lines 26-29; column 4, lines 15-17).

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Berman teaches that the client computer systems 10 send service requests to remotely located sponsor computer systems 12 (see column 2, lines 32-42; column 4, lines 7-14) and receive service reports (e.g., fulfilled service requests) in response to the sent service requests back from the sponsor computer systems 12 (see column 3, lines 49-52 "e-mails the fulfilled service request back to the client system that made the request"). In this respect, it could be argued that the client computer systems 10 receive service reports from third party service providers (e.g., from the sponsor computer systems 12 located at the sites of the service providers). However, nothing in Berman teaches or suggests that client computer systems 10 actually receive, or are configured to receive, service requests from third parties seeking service. Furthermore, Berman provides no motivation to have the client computer systems 10 receive service requests from third parties and actually teaches away from doing so. This is because Berman teaches that the client computer systems 10 are located at the sites of parties who are seeking service, not at the sites of parties that are providing service. Parties seeking service for themselves generally would not be interested in receiving requests for the same services' from other parties.

Thus, although the client computer systems 10 of Berman do arguably receive service reports from third party service providers, Berman does not teach or suggest that the client computer systems 10 receive, or are configured to receive, service requests from third parties as is required by claims 1 and 8.

With respect to the sponsor computer systems, Berman teaches that sponsor computer systems 12 receive service requests from remote client computer systems 10 (see column 2, lines 38-

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42; column 4, lines 17-24) and send service reports (e.g., fulfilled service requests) in response to the received service requests to the remotely located client computer systems 10 (see column 2, lines 46-49; column 4, lines 26-32). In this respect, it could be argued that the sponsor computer systems 12 receive service requests from third parties requesting service (e.g., from the client computer systems 10 located at the sites of the parties requesting service). However, nothing in Berman teaches or suggests that sponsor computer systems 12 receive, or are configured to receive, service reports from third parties. Furthermore, Berman provides no motivation to have the sponsor computer systems 12 receive service reports from third parties and actually teaches away from doing so. This is because Berman teaches that sponsor computer systems 12 are located at the sites of parties that are providing service, not at the location of parties that have requested service. Parties providing service generally would not be interested in receiving service reports from other parties providing the same services.

Thus, although the sponsor computer systems 12 of Berman do arguably receive service requests from third parties seeking service, Berman does not teach or suggest that the sponsor computer systems 12 receive, or are configured to receive, service reports from third parties as is required by claims 1 and 8.

In summary, based on the above discussion, it can be seen that claims 1 and 8 clearly distinguish over the system of Berman in that each of these claims require that the same host computer system (in Berman, this would either be a client computer system 10 or a sponsor computer system 12) be capable of receiving service requests from one third party group (private

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onsite wastewater treatment system owners) and service reports in response to the service requests from a second third party group (private onsite wastewater treatment system service providers). Because Berman does not teach or suggest a method or system wherein a single host computer system receives both third party service requests and service reports as required by claims 1 and 8, claims 1 and 8 are not obvious in view of Berman alone and claims 1 and 8 are allowable as previously presented.

Claims 2, 9 and 16, which each depend from an allowable base claim, each add a limitation to the base claim from which they depend and therefore are narrower in scope than the allowable base claim from which they depend. Each of these claims is therefore also allowable. Although each of claims 2, 9 and 16 are allowable because they each depend from an allowable base claim, each of these claims is also allowable because they each contain a limitation that patently distinguishes them over Berman.

With respect to claims 2 and 9 for example, each of these claims was rejected under 35 U.S.C. § 103(a) as being unpatentable over Berman. In making the rejection of these two claims, the Examining Attorney stated that Berman teaches providing the host computer with a notification site in the form of mail server 14 and that the service providers are notified of service requests assigned to them via the notification site.

It is true that Berman teaches the use of a mail server 14 connected to a client computer system 10 and sponsor computer system 12 via a computer network 16 (see column 3, lines 40-48). The mail server 14 of Berman, however, is not located on, or hosted by, the client computer system 10 or the sponsor computer system 12 of Berman. To the contrary, the mail server 14 of

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Berman is a separate remotely located computer system connected to the client and sponsor computers via telephone or high speed data lines 46 (see column 5, lines 14-23). In fact, according to Berman, mail server 14 is provided by a commercial third party Internet provider (see column 4, lines 60-67). Thus, Berman actually teaches away from having a host computer system that includes or hosts a notification site for a plurality of service providers as required by claims 2 and 9 since Berman teaches the use of a third party computer system for such purpose.

With respect to claim 16, the Examiner simply stated that Berman teaches a host computer system that provides access to a service history for each of the plurality of private onsite wastewater treatment systems (see Office Action, page 4, paragraph 5). In making this rejection, the Examining Attorney based the rejection on the following language from Berman:

"At step 111, the completed service request is preferably saved into a file which the user is prompted to specify. By saving the service requests, a user may, at his option, reprint the service request at any time in the future."

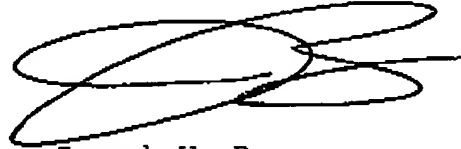
(see column 5, lines 54-57 of Berman). Thus, Berman teaches that a completed service request (not a completed service report) can be saved to a computer file on a computer system. Completed requests for service do not, however, contain any information regarding the service that was actually performed in response to the service request (e.g., the service history). Berman does not, therefore, teach or suggest a host computer

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system that includes a database containing the service history of private onsite wastewater treatment systems.

Accordingly, in view of the above amendments and remarks, Applicant respectfully submits that the application should be allowed. The Examiner is invited to telephone the undersigned below if it will aid in the prosecution of this application.

Respectfully submitted,



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Dated: August 23, 2006

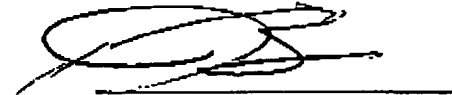
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Date:

August 23, 2006



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